

## Chapter 15 - LICENSES AND PERMITS

### Section 15.01 WINE LICENSE

(a) **Purpose.** This ordinance provides for issuance of Class C alcohol licenses for wine sales under section 125.51(3m) of the Wisconsin Statutes.

(b) **Issuance Conditions.** The Town Board may approve issuance of a license when the following conditions are met:

(1) A reasonable expectation exists, after consideration of past practice and business plan of operation, that more than 50% of revenues by the applicant are received from non-alcohol sales, determined by gross receipts; and

(2) The premises description for license issuance does not include a barroom, as verified by one or more town officers, employees or agents; and

(3) A completed application form, containing all relevant information requested has been submitted to the clerk for Town Board review; and

(4) The Town Board has evaluated the applicant's arrest or conviction history which is found to be acceptable; and

(5) The applicant has resided in Wisconsin at least 90 days, or is a Wisconsin corporation with a resident agent; and

(6) The applicant is in compliance with other statutory and ordinance regulations affecting the business operation or person applying.

(c) **Fees.** Prior to actual license issuance by the clerk, the fees must be submitted by the applicant. Where past payment history or reputation justifies such action, the clerk, in the clerk's discretion, may require payment by cash, cashiers check, or money order. The fee is for a full license year, running July 1 to next June 30. Fees shall be pro rated to the nearest half month in the event an application is made during the license year, by calculating the first date of possible issuance. In no case will the annual fee exceed \$100.00.

(d) **Payment Deadline.** The license fee shall be submitted at the time of application delivery to the town.

(e) **Business Verification.** Where appropriate, the Town Board may require verification that the above conditions, or other conditions of statutory or ordinance laws are met, including, but not limited to, the proportion of gross receipts test. This may periodically occur by Town Board direction.

## **Section 15.02 DOGS.**

(a) **Definitions.** In this ordinance:

- (1) “Collar means a band, strip, or chain placed around the neck of a dog.
- (2) “Harboring” a dog means to afford it lodging, to shelter it, or give it refuge.
- (3) “Kennel” means any establishment where dogs are kept for the purpose of breeding, sale, boarding, or sporting purposes.
- (4) “Owner” includes a person who owns, harbors, keeps, or controls a dog.

(b) **License Required.** Every person residing in the Town of Turtle who owns a dog of more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually, or on or before the date such dog becomes 5 months of age, obtain a license therefor. The provisions of this section do not apply to:

- (1) Dogs whose owners are nonresidents temporarily within the Town;
- (2) Dogs brought into the Town for the purposes of participating in dog shows;
- (3) Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons; or
- (4) Dogs kept only for educational or scientific purposes.

(c) **License Period.** The license period shall commence on January 1 and end the following December 31.

(d) **License Fees.** The license fee shall be the amount required by section 174.05(2) of the Wisconsin Statutes or such higher amount as may be adopted by resolution of the Town Board.

(e) **Late Fees.** All persons purchasing dog licenses after April 1 shall pay a late fee of \$5.00 per dog license.

(f) **Untagged Dog.** The owner shall attach the license tag to a collar and such collar with the tag attached shall be kept on the dog at all times. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is security confined in a fenced area.

(g) **Vaccination Required.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or if no date is specified, within 3 years after the previous vaccination. This vaccination requirement shall not apply to dogs that are kept only for educational or scientific purposes pursuant to section 174.054 of the Wisconsin Statutes.

(h) **Rabies Certificate.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the United States Department of Health and Human Services and the city, village or town where the dog is required to be licensed.

(i) **Vaccination Records.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(j) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(k) **Tag To Be Displayed.** The owner shall attach the rabies vaccination tag to a collar and the collar with the tag shall be kept on the dog at all times. However, this requirement does not apply to:

- (1) A dog during competition or training;
- (2) A dog while hunting;
- (3) A dog securely confined indoors;
- (4) A dog securely confined in a fenced area; or
- (5) A dog while actively involved in herding or controlling livestock if the dog is under the control of its owner.

(1) **Maximum Number of Dogs.** No person shall keep or harbor more than 3 dogs over 5 months of age on any premises within the Town of Turtle without first obtaining a kennel license from the Town.

### **Section 15.03 DOG KENNELS.**

#### **(a) Definitions.**

(1) “Dog Kennel” means any establishment, place or entity where four or more dogs are kept for the purpose of breeding, sale, training, boarding, grooming, or sporting purposes.

(2) “Dog” means any dog five months of age or older.

#### **(b) Permit.**

(1) There is created a Kennel Permit for the Town of Turtle.

(2) Applications for a Kennel Permit shall be obtained from the Town Clerk.

(3) All applications for a Kennel Permit shall be approved by the Town Board. If an application is approved by the Town Board, the applicant shall pay to the Town Clerk a non-refundable fee each year or portion thereof prior to the issuance of the permit. The Town Board shall establish the amount of the fee.

(4) Any Kennel Permit issued under this section shall be effective for a period of one year commencing April 1 and ending March 31.

(c) **Permit Required.** It shall be unlawful to own, operate or possess a dog kennel within the Town of Turtle without a valid Kennel Permit. Holders of Kennel Permits must comply at all times with the provisions of this Ordinance. Any violations of such provisions shall be grounds for revocation of the Kennel Permit by the Town Board in addition to the penalties specified herein.

#### **(d) Requirements of Kennel.**

(1) No dog kennel may house more than 12 dogs at one time.

(2) Dogs kept pursuant to a Kennel Permit must also be licensed pursuant to Chapter 174 of the Wisconsin Statutes and such keeping must be in compliance with Chapter 174 at all times.

(3) All dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

(4) The building in which the dogs are kept shall be maintained in a clean condition and a good state of repair. The building shall allow adequate protection against weather extremes.

(5) All dog pens or enclosures shall be sufficiently large to permit freedom of movement to the dogs confined therein.

(6) Food supplies shall be stored in rodent proof containers and be free from contamination. Food supplies shall also be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog.

(7) All dogs shall have potable water available at all times.

(8) Feces shall be removed from yards, pens, and enclosures daily and stored in tightly covered metal containers until final disposal.

(9) Yards, pens, and enclosures and the dogs themselves shall be kept free of insect infestation.

(10) No odor nuisance shall be permitted.

(11) No repeated or continual barking, such as constitutes a noise nuisance, shall be permitted.

(e) **Minimum Area Requirements.** A minimum of ten (10) contiguous acres either owned or rented by the applicant shall be required on which to locate each dog kennel in the Town of Turtle.

(f) **Location and Conditional Use.** Dog Kennels under this Ordinance may be located in the Exclusive Agricultural District One (A-1), the General Agricultural District Two (A-2), or the Small Scale Agricultural District Three (A-3), but the owner of the property must obtain a conditional use permit before placing a dog kennel on the property.

(g) **Right to Entry.** The Building Inspector shall have the right to enter upon private property where the dog kennels are located during reasonable hours to inspect the dog kennels to determine whether they are in compliance with this Ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

## **Section 15.04 TRANSIENT MERCHANTS**

(a) **Regulation.** No transient merchant shall engage in the sale of merchandise within the Town of Turtle without first obtaining a license from the Clerk in compliance with the provisions of this ordinance. A separate license shall be obtained for each type of business. The license shall be issued to the person by the Town Clerk prior to the person soliciting orders, offering sales, or engaging in business covered by this ordinance.

(b) **Definitions.** When used in this ordinance, the following terms shall have the meanings set forth herein:

(1) “Sale of Merchandise” means the transfer or conveyance of goods, wares and commodities in exchange for money and includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a farmer who is a resident of the Town of Turtle of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of the Town of Turtle.

(2) “Transient Merchant” is a person who engages in the sale of merchandise at any place in the Town of Turtle temporarily and who does not intend to become and does not become a permanent merchant of the Town of Turtle.

(c) **Fee.** The fee for the license shall be established by resolution of the Town Board.

(d) **Exemptions.** This ordinance shall not apply to the following:

(1) Wholesalers selling person property at wholesale to dealers, distributors, or retainers.

(2) Newspaper, periodicals, fuel, dairy products or bakery goods delivery people.

(3) Children under 18 years of age.

(4) Town merchants or employees of those merchants taking orders for or delivering goods in the regular course of business in the Town of Turtle.

(5) Farmers and truck gardeners offering for sale agricultural perishable products that were raised or cultivated by them.

(6) A veteran holding a state license under section 440.51 of the Wisconsin Statutes.

(7) Sales in the Town of Turtle required by statute or court order.

(8) Auction sales in the Town of Turtle conducted for public purchase under state law.

(9) Sales of services or property in the Town of Turtle conducted under another Town of Turtle license or permit.

(e) **Application.** An application for a license under this ordinance shall be completed by the applicant and filed with the Clerk and shall contain such information as the Clerk shall require. The license fee shall be paid to the Town Clerk at the time the application is filed.

(f) **License Not Transferable.** The license shall not be transferable to another person.

(g) **Display of License.** Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.

(h) **Compliance With Laws.** Any person subject to this ordinance shall comply with all federal, state, county and town laws and regulations, including this ordinance, regarding the sale of property and services in the Town of Turtle.

(i) **Expiration.** The Clerk shall date all licenses issued hereunder and shall specify thereon the date of expiration. Licenses shall be issued on a calendar year basis and expire December 31 of the year of issue.

(j) **Renewal.** Applications for renewals shall be handled in the same manner as original applications.

(k) **Penalty.** Any person who fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town may seek injunctive relief to enjoin further violations.

State Law Reference: This ordinance is adopted under the general police powers authority granted pursuant to sections 60.22 and 66.0423 of the Wisconsin Statutes.